

**22045****UTILITY PATENT APPLICATION TRANSMITTAL**

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| <b>Address to:</b><br><b>Mail Stop PATENT APPLICATION</b><br><b>Commissioner for Patents</b><br><b>U.S. Patent &amp; Trademark Office</b><br><b>P.O. Box 1450</b><br><b>Alexandria, VA 22313-1450</b> | <b>Attorney Docket No.</b>              | DDC 0559 PUS/02-1-127                                    |
|   | <b>Inventor(s) or Appln. Identifier</b> | John E. Longnecker, Richard M. Avery, Jr., Leopold Super |

 15535 U.S. PTO  
 10/674007


1. This application entitled METHOD FOR RESPONDING TO SENSOR FAILURES ON EGR/VGT ENGINES is:

- a.   X   A new application under 37 C.F.R. § 1.53(b).
- b.        A        continuation        divisional or        continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No.        /        filed on       , entitled       .
- c.        A new utility application which claims the benefit of provisional application Serial No.       , filed on       .

Application elements and other attached papers:

2.   X   Specification (including Claims and Abstract) [Total Pages 19 ]
3.   X   Drawings (       informal /   X   formal) [Total Sheets 5 ]
4.   X   Oath or Declaration
- a.   X   Newly-executed
- b.        Copy from a prior application (37 C.F.R. § 1.63(d))
5.        Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.        This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
- a.        **DELETE** the following inventor(s) named in the prior nonprovisional application:
- b.        The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

**CERTIFICATION UNDER 37 C.F.R. § 1.10**

I hereby certify that this **UTILITY PATENT APPLICATION TRANSMITTAL** and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Address" addressed to: Mail Stop Patent Application, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Express

Mail Label No. EV 141 488 435 USAngelika Phillips

(Type or print name of person mailing paper)

Date of Deposit: September 29, 2003
Angelika Phillips  
 (Signature of person mailing paper)

## 7. Preliminary Amendment:

- a. ☐ A Preliminary Amendment Under 37 C.F.R. § 1.115 is attached.
- b. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee.
- c. ☐ Please amend the specification by inserting before the first line the following sentence:  
       "This is a \_\_\_\_\_ continuation \_\_\_\_\_ divisional of copending  
       application(s) serial number \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_."
- d. ☐ A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

## 8. Small entity status:

- a. ☐ Applicant claims small entity status.
- b. ☐ Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer desired.

## 9. Fee Calculation:

| FOR   | NUMBER<br>FILED | NUMBER<br>EXTRA | RATE    | CALCULATIONS |
|---|-----------------|-----------------|---------|--------------|
| TOTAL CLAIMS (37 C.F.R. § 1.16(c))  | 16 -20 =        | --              | x 18.00 | --           |
| INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))  | 6 -3 =          | 3               | x 84.00 | 252.00       |
| MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. §1.16(d))                  |                 |                 | 280.00  | --           |
| BASIC FEE (37 C.F.R. § 1.16(a))   |                 |                 |         | 750.00       |
| TOTAL OF ABOVE CALCULATIONS   |                 |                 |         | 1,002.00     |
| REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28) |                 |                 |         |              |
| \$40.00 ASSIGNMENT RECORDAL FEE (if applicable)                                 |                 |                 |         | 40.00        |
| TOTAL   |                 |                 |         | 1,042.00     |

10. ☒ A check in the amount of \$ 1,042.00 is enclosed.
11. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978 :
- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.
12. Maintenance of Copendency of Prior Application

☐ A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until \_\_\_\_\_.

